

1 Charles D. Chalmers, Esq. (State Bar No. 50263)  
2 769 Center Blvd., #134  
3 Fairfax, California 94930  
4 Tel: (415) 860-8134  
5 Fax: (801) 382-2469  
6 cchalmers@allegiancelit.com  
7 Attorney for Plaintiff Theodore Ellison

FILED  
2013 MAY 30 P 1:07  
RICHARD W. WICKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
1590

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10

JCS

11 THEODORE ELLISON,  
12

13 Plaintiff,

14 vs.

15 DALE TIFFANY, INC. and LAMPS PLUS,  
16 INC.,

17 Defendants.  
18

Civil Action No. **C 13 2444**

**COMPLAINT FOR COPYRIGHT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

19 Plaintiff, Theodore Ellison, complains of defendants Dale Tiffany, Inc. ("Dale Tiffany")  
20 and Lamps Plus, Inc. ("Lamps Plus") and alleges:  
21

22 JURISDICTION

23 1. This is an action for copyright infringement. This Court has subject matter  
24 jurisdiction over this action under 28 U.S.C. § 1338(a). Registration has been made for the  
25 copyright asserted in this action and the institution of this action complies with 17 U.S.C. §  
26 401(a).

27 2. Plaintiff is an individual residing and doing business in the Northern District.  
28 Plaintiff uses the copyright alleged in this action in his business.

4. Each of defendants is subject to personal jurisdiction in this judicial district. Each of defendants is aware that they have infringed plaintiff's copyrights because their acts of infringement were intentional. Each of defendants knew that the harm from their infringements would be suffered by plaintiff primarily in this judicial district because this is where plaintiff resides and where he conducts his business using these copyrights. Each of defendants has purposely availed itself of the privilege of conducting activities in the State of California, and in this judicial district, and those activities are directly related to the claims made by plaintiff. Each of defendants has infringed the specific copyrights identified below by making, importing, selling and offering for sale lamps and lighting fixtures which copy and incorporate the copyrighted designs. Defendant Lamps Plus operates retail stores in this judicial district which have sold infringing products. Defendant Dale Tiffany has sold infringing products to Lamps Plus knowing that Lamps Plus and would offer the products for sale in this judicial district. Dale Tiffany operates a website on which it refers prospective purchasers of products made, imported, distributed and sold by them to retailers located within this judicial district.

## VENUE

5. Defendants reside with this judicial district, and may be found in this judicial district, as hereinbefore alleged in Para. 4. Accordingly, venue is proper under 28 U.S.C. §§ 1391(c) and 1400(b).

## INTRADISTRICT ASSIGNMENT

6. This action for copyright infringement is an excepted category under Local Rule 3.2(c).

## PLAINTIFF'S OWNERSHIP OF REGISTERED COPYRIGHT

7. Plaintiff is the owner of the copyright in “Aberdeen” VA 1-681-586, and plaintiff possesses a numbered Certificate of Registration issued under the seal of the Copyright Office for such copyright.

COUNT ONE – COPYRIGHT INFRINGEMENT BY DEFENDANTS

8. Defendants have infringed plaintiff's copyright by infringing, contributory infringing and vicariously infringing plaintiff's copyright by directing the creation of, importing, selling and offering for sale lighting products, including the Rose Mission Dale Tiffany Table Lamp, with a shade that is substantially similar to the original and copyrightable elements of plaintiff's copyright.

9. The designer of the shades for the infringing products alleged in Paragraphs 8 had access to plaintiff's copyrighted work before the creation of the infringing design. Plaintiff's work were created prior to the creation of the infringing design.

10. Defendants' infringement has caused plaintiff injury and plaintiff is entitled to an award of damages or statutory damages as compensation for this injury.

12. Defendants' infringement is causing irreparable injury to plaintiff.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays for judgment against defendants granting the following relief:

a. A temporary restraining order, preliminary injunction and permanent injunction enjoining all acts of infringement of the copyright;

b. An award of such damages from each defendant, including prejudgment interest, as shall be shown at trial to be adequate to compensate plaintiff for the injury sustained as the result of each defendant's infringements;

c. An award of attorneys' fees as allowed by law and an award of costs of suit herein, and:

d. Such other and further relief as the Court shall deem appropriate and just.

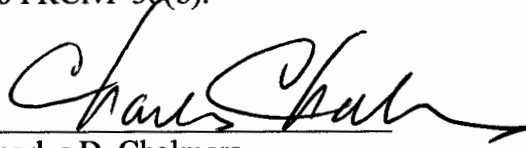
Dated: May 29, 2013

  
Charles D. Chalmers  
Attorney for Plaintiff

JURY DEMAND

Plaintiff demands a jury trial pursuant to FRCivP 38(b).

Dated: May 29, 2013

  
Charles D. Chalmers  
Attorney for Plaintiff